

REMARKS

Claims 1, 5, 17, and 22 have been amended, claim 5 has been amended into independent form.

Claims 18 to 21 have been cancelled,

New claim 26 has been added by this amendment. No new matter has been added.

Claims 1-17 and 22-26 are now pending in the application.

Allowable Subject Matter

The Examiner states "Claims 10, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Applicants thank the Examiner for the recognition of allowability of claims 10 and 23.

Claims Rejection – 35 USC § 102

(A). Claims 1, 2, 5-8, 11-15, 17-21, 24, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,885,249 to Irisawa ("Irisawa").

Applicants respectfully traverse this rejection in view of the amendments to claims 1 and 5 and 17.

Of the claims rejected, claims 1, 5 and 17 are independent, with the claims 2-4, 10-16 dependent on claim 1, claims 6-9 and 26 dependent on claim 5, and claims 22-25 dependent on claim 17.

Amended claim 1 now recites among other things:

said shield comprising at least one support wall, and a channel mounted to said support wall, said channel having a top wall and opposed first and second sidewalls extending from said top wall, and at least one resiliently deflectable cannula finger lock projecting from said first sidewall angularly toward said top wall, wherein said channel can be selectively mounted to said support wall in one of a plurality of orientations in relation to one another.

Amended claim 5 now recites among other things:

wherein said top wall of said channel comprises mounting structure for mounting said channel to said support wall, whereby said channel can be disposed in either a first rotational orientation or in a second rotational orientation relative to said support wall for altering positions of said channel relative to said needle cannula.

Applicants submit that Irisawa fails to disclose at least the claimed features of;

- a) a channel which can be selectively mounted to a support wall in one of a plurality of orientations in relation to one another or
- b) a channel which can be disposed in either a first rotational orientation or in a second rotational orientation relative to a support wall for altering positions of the channel relative to a needle cannula.

Irisawa discloses a cap (40) for covering the needle of a syringe. The cap (40) includes a cap securing portion (50) secured to the extreme end of the syringe main body (30) and a cap main body (70) pivotally coupled with the cap securing portion (50) through a hinge portion (60) and the cap main portion (70) includes an accommodating portion for accommodating the needle (20). The cap main body (70) also includes an operating handle (80) used for opening and closing operation and an end of the operating handle (80) is coupled with the bottom surface of the cap main body (70) through a thin wall portion (81) (see Fig. 9 as shown below).

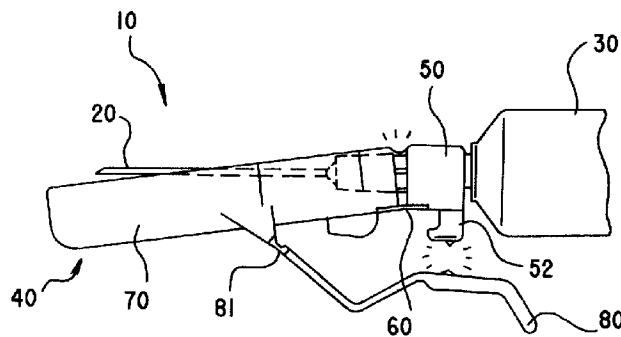
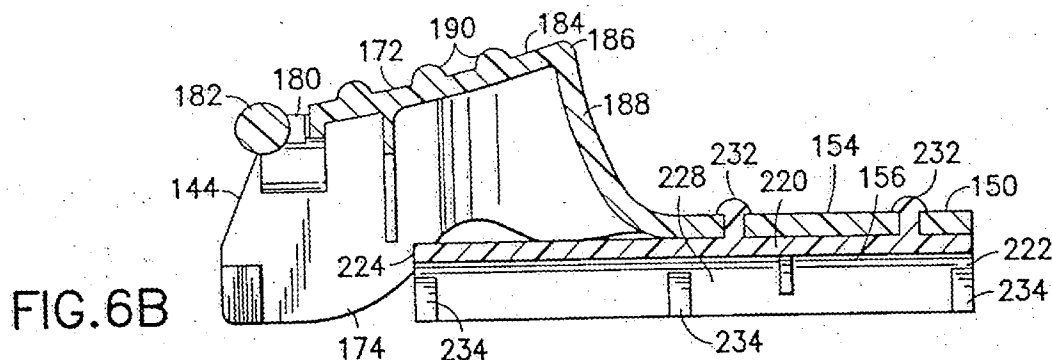
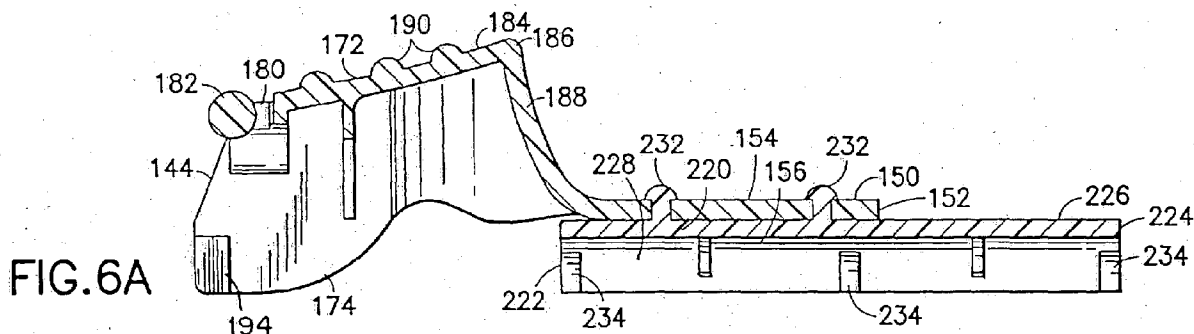


Figure 9

Therefore the cap main body (70) and operating handle (80) of Irisawa are fixed in a single orientation in relation to one another by the thin wall portion (81).

In contrast the support wall and channel of the present invention have a plurality of orientations in relation to one another (see Figs. 6A and 6B shown below).



Thus, Irisawa does not anticipate amended claims 1 and 5.

Amended claim 17 now recites among other things:

wherein said support wall comprises at least one aperture extending therethrough, said channel having at least one mounting projection formed thereon, said at least one mounting projection being dimensioned and disposed for locked engagement with said at least one aperture in said support wall.

Applicants submit that Irisawa fails to disclose at least the claimed features of; a channel having at least one mounting projection which is dimensioned for locked engagement with at least one aperture in a support wall.

Thus, Irisawa does not anticipate amended claim 17.

For these reasons, applicants submit that independent claim 1 and dependent claims 2-4 10-16, and independent claim 5 and dependent claims 6-9 and 26, and independent claim 17 and dependent claims 22-25 are not anticipated by the Irisawa reference.

Furthermore, the invention defined by amended claims 1, 5 and 17 is neither taught nor rendered obvious by Irisawa. Irisawa has no suggestion of a two part shield in which a support wall and channel can have a plurality of orientations in relation to one another or of a mounting structure between the support wall and channel having at least one aperture and projection for locked engagement. In contrast, Irisawa teaches a syringe needle shield having a cap main body which uses an integral operating handle, the body and handle having a single, fixed orientation to one another.

Accordingly, it is submitted that the needle assembly as defined by claims 1, 5 and 17 is not taught or suggested by Irisawa.

Claims Rejections – 35 USC § 103

(B). Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irisawa in view of US Patent No. 5,139,489 to Hollister. (“Hollister”).

(C). Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irisawa.

(D). Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irisawa in view of US Patent No. 4,888,001 to Schoenberg. (“Schoenberg”).

In rejections (B). and (D). listed above, the Examiner in addition to Irisawa cites Hollister and Schoenberg.

These rejections are respectfully traversed in view of the amendments to claims 1, 5 and 17.

Hollister and Schoenberg do not overcome the deficiencies of Irisawa as explained above in connection with rejection (A) of independent claims 1, 5, and 17.

Therefore as claims 3, 4 and 16 are dependent on claim 1, claim 9 is dependent on claim 5, and claim 22 is dependent on claim 17, claims 3, 4, 9, 16 and 22 are patentable over the cited references.

Conclusion

In view of the amendment and remarks herein, applicants submit the claims are patentably distinct over the prior art and allowable in form.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-1666.

If the Examiner has any questions or comments relating to the present application, he or she is respectfully invited to contact Applicant's agent at the telephone number set forth below.

Respectfully submitted,

/Mark Lindsey/

Mark Lindsey
Registration No. 52,515
Agent for Applicant(s)
201 847 6262

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Becton, Dickinson and Company
1 Becton Drive, MC110
Franklin Lakes, New Jersey 07417-1880
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